Chapter 7

UNITED STATES BANKRUPTCY COURT
DISTRICT OF Oregon

In re Michele Lea Arndorfer, Debtor,	Case No.: 17-31221-pcm7 Adv. Proc. No.:
Michele Lea Arndorfer, Plaintiff, v. Atlas Financial Services and ADP Payroll Services, Inc. Defendants.	COMPLAINT FOR WILLFUL VIOLATION OF AUTOMATIC STAY 11. U.S.C § 362

COMES NOW Plaintiff, by and through her attorney, Erik Graeff, and alleges as follows:

1.

On April 4, 2017, the Plaintiff/Debtor commenced a voluntary case under chapter 7 of the Bankruptcy Code, by filing

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a petition, which has been assigned No. 17-31221-pcm7 in this Court.

2.

This court has jurisdiction under 28 U.S.C. § 1334, since this matter arises in that case and is related to it. This proceeding is a core proceeding.

3.

Defendants are domestic corporations company doing business in Oregon.

4.

Defendant Atlas Financial Services (“Atlas”) was named in Schedule D as a secured creditor. Atlas was listed on the mailing matrix when the petition was filed on April 4, 2017. See Exhibit A attached hereto and incorporated by reference.

5.

Defendant ADP Payroll Services, Inc. (“ADP”) provides payroll services for Plaintiff’s employer.

6.

An order for relief was entered in this case on April 4, 2017, pursuant to 11 U.S.C. § 301, thus triggering an automatic stay, pursuant to 11 U.S.C. § 362(a), of all debt collection against the Debtor.

7.

Since the bankruptcy was filed on April 4, 2017, Defendants have continued to garnish Plaintiff’s wages in order to collect

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payments on this debt. Defendants have garnished Plaintiff three times since the filing of the bankruptcy action. See Exhibit B attached hereto and incorporated by reference.

8.

The garnishment disturbed the Plaintiff greatly because she believed she had protection by the bankruptcy court, since an automatic stay protects debtors from the collection efforts of creditors.

9.

The Defendants willfully violated the automatic stay by continuing to garnish Plaintiff's wages for collection on a pre-petition debt after Plaintiff had filed for bankruptcy protection.

WHEREFORE, the Plaintiff/Debtor prays that this Court will enter an Order:

a. Declaring the Defendants guilty of civil contempt by violating the automatic stay granted herein on April 4, 2017, for its actions on April 7, 2017 April 21, 2017, and May 5, 2017;

b. Award the Plaintiff compensatory and punitive damages, plus attorney's fees and costs pursuant to 11 U.S.C.

c. Award the Plaintiff reasonable attorney fees and costs; and

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d. Grant such equitable relief or other relief as this court deems just and appropriate.

Dated: May 5, 2017.

Law Offices of Erik Graeff P.C.

/s/ Erik Graeff
Erik Graeff, OSB #102169
Attorney for Plaintiff

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Atlas Financial Services
700 N Hayden IS DR 290
Portland, OR 97217

City of Portland
Tax Division, Revenue Division
111 SW Columbia Street, Suite 600
Portland, OR 97201-5840

Convergent
ATERSO01
PO Box 1022
Wixom, MI 48393-1022

Credit Collection Service
PO Box 607
Norwood, MA 02062

Depted NeWet
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

FedChex Recovery
PO Box 18978
Irvine, CA 92623

First Savings Credit Card
PO Box 5019
Sioux Falls, SD 57117-5019

GAIC
PO Box 305076
Nashville, TN 37230-5076

Galaxy Asset Purchasing LLC
PO Box 390846
Minneapolis, MN 55439

IRS
Attn: Attorney General of United States
10th Constitution NW #4400
Washington, DC 20530

IRS
Centralized Insolvency
PO Box 7346
Philadelphia, PA 19101-7346

IRS
Attn: Civil Process Clerk
U.S. Attorney, District of Oregon
1000 SW 3rd, #600
Portland, OR 97204-2936

Jefferson Capital Systems LLC
16 McLeland RD
Saint Cloud, MN 56303

LVNV Funding LLC
PO Box 10497
Greenville, SC 29603

Midland Credit Management, Inc.
2365 Northside Drive
Suite 300
San Diego, CA 92108

Montgomery Ward
1112 7th Avenue
Monroe, WI 53566-1364

Multnomah Domestic Violence Unit
421 SE 10th AVE
Portland, OR 97214

Navient
P.O. Box 9500
Wilkes Barre, PA 18773-9500

ODR
Attn: Bankruptcy Unit
955 Center St NE
Salem, OR 97301

ODR
c/o Ellen Rosenblum, Attorney General
Oregon Department of Justice
1162 Court St, NE
Salem, OR 97301-4096

VCA NW Veterinary Specialist
16756 Se 82nd Drive
Clackamas, OR 97015

VCA SE Portland Animal Hospital
13830 SE Stark ST
Portland, OR 97233

General Parts Distribution LLC
2635 Millbrook Road
Raleigh, NC 27604

Pay Group:	RGP-Retail GP Distribution
Pay Begin Date:	03/19/2017
Pay End Date:	04/01/2017

Business Unit:	76000
Advice #:	**000000016551078**
Advice Date:	04/07/2017

Michele L Arndorfer
4939 Se Malden Dr.
Portland, OR 97206

Employee ID:	000602831
Department:	104184N-CQ North East Sandy Boulevard
Location:	CQ NE Sandy Blvd
Job Title:	Driver
Pay Rate:	$10.750000 Hourly

TAX DATA:	Federal	OR State
Marital Status:	Single	Single
Allowances:	0	0
Addl. Pct:		
Addl. Amt:		

HOURS AND EARNINGS

Description	Rate	Current Hours	Current Earnings	YTD Hours	YTD Earnings
Regular Pay	10.750000	68.94	741.11	482.99	5,192.15
Back Holiday Pay			0.00	8.00	86.00
Overtime Pay			0.00	7.15	115.29
Holiday Pay			0.00	8.00	86.00
Paid Time Off			0.00	8.00	86.00
TOTAL:		**68.94**	**741.11**	**514.14**	**5,565.44**

TAXES

Description	Current	YTD
Fed Withholdng	60.56	559.71
Fed MED/EE	8.83	74.96
Fed OASDI/EE	37.76	320.51
OR Withholdng	40.36	351.76
OR Loc ER/EE	1.14	8.22
TOTAL:	**148.65**	**1,315.16**

BEFORE-TAX DEDUCTIONS

Description	Current	YTD
Dental Ins	9.43	28.29
Health Ins.	108.13	324.39
Med FSA	11.81	35.43
Vision Ins	2.58	7.74
TOTAL:	**131.95**	**395.85**

AFTER-TAX DEDUCTIONS

Description	Current	YTD
Group Accident Plan	5.38	16.14
Group Critical Illness Plan	6.70	20.10
GarnishWrit (Amount)	36.32	174.89
GarnishWrit (Co. Fee)	2.00	6.00
Hyatt Legal Plan	7.27	21.81
STD	1.01	3.03
TOTAL:	**58.68**	**241.97**

EMPLOYER PAID BENEFITS

Description	Current	YTD
Co Paid Basic Life	1.85	12.95
Health Ins	89.33	267.99
LTD	4.49	13.47
STD	1.01	3.03
***TAXABLE**		

	TOTAL GROSS	FED TAXABLE GROSS	TOTAL TAXES	TOTAL DEDUCTIONS	NET PAY
Current	741.11	609.16	148.65	190.63	401.83
YTD	5,565.44	5,169.59	1,315.16	637.82	3,612.46

YEAR-TO-DATE	PAID TIME OFF	SICK LEAVE
Start Balance	0.0	0.0
+ Earned	12.0	3.8
+ Bought	0.0	0.0
- Taken	0.0	0.0
- Sold	0.0	0.0
+ Adjustments	0.0	0.0
End Balance	**12.0**	**3.8**

NET PAY DISTRIBUTION

	Account Type	Account Number	Deposit Amount
Advice #000000016551078	Checking	XXXXX3094	$401.83
TOTAL:			**$401.83**

MESSAGE:

EXHIBIT B
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General Parts Distribution LLC 2635 Millbrook Road Raleigh, NC 27604	Pay Group: RGP-Retail GP Distribution Pay Begin Date: 04/02/2017 Pay End Date: 04/15/2017	Business Unit: 76000 Advice #: **000000016612916** Advice Date: 04/21/2017

Michele L Arndorfer 4939 Se Malden Dr. Portland, OR 97206	Employee ID: 000602831 Department: 104184N-CQ North East Sandy Boulevard Location: CQ NE Sandy Blvd Job Title: Driver Pay Rate: $10.750000 Hourly	

TAX DATA:	Federal	OR State
Marital Status:	Single	Single
Allowances:	0	0
Addl. Pct:		
Addl. Amt:		

HOURS AND EARNINGS

Description	Rate	Current Hours	Current Earnings	YTD Hours	YTD Earnings
Regular Pay	10.750000	73.76	792.92	556.75	5,985.07
Back Holiday Pay			0.00	8.00	86.00
Overtime Pay			0.00	7.15	115.29
Holiday Pay			0.00	8.00	86.00
Paid Time Off			0.00	8.00	86.00
TOTAL:		**73.76**	**792.92**	**587.90**	**6,358.36**

TAXES

Description	Current	YTD
Fed Withholdng	68.33	628.04
Fed MED/EE	9.58	84.54
Fed OASDI/EE	40.98	361.49
OR Withholdng	44.32	396.08
OR Loc ER/EE	1.22	9.44
TOTAL:	**164.43**	**1,479.59**

BEFORE-TAX DEDUCTIONS

Description	Current	YTD
Dental Ins	9.43	37.72
Health Ins.	108.13	432.52
Med FSA	11.81	47.24
Vision Ins	2.58	10.32
TOTAL:	**131.95**	**527.80**

AFTER-TAX DEDUCTIONS

Description	Current	YTD
Group Accident Plan	5.38	21.52
Group Critical Illness Plan	6.70	26.80
GarnishWrit (Amount)	72.35	247.24
GarnishWrit (Co. Fee)	2.00	8.00
Hyatt Legal Plan	7.27	29.08
STD	1.01	4.04
TOTAL:	**94.71**	**336.68**

EMPLOYER PAID BENEFITS

Description	Current	YTD
Co Paid Basic Life	1.85	14.80
Health Ins	89.33	357.32
LTD	4.49	17.96
STD	1.01	4.04
***TAXABLE**		

	TOTAL GROSS	FED TAXABLE GROSS	TOTAL TAXES	TOTAL DEDUCTIONS	NET PAY
Current	792.92	660.97	164.43	226.66	401.83
YTD	6,358.36	5,830.56	1,479.59	864.48	4,014.29

YEAR-TO-DATE	PAID TIME OFF	SICK LEAVE
Start Balance	0.0	0.0
+ Earned	13.8	5.4
+ Bought	0.0	0.0
- Taken	0.0	0.0
- Sold	0.0	0.0
+ Adjustments	0.0	0.0
End Balance	**13.8**	**5.4**

NET PAY DISTRIBUTION

	Account Type	Account Number	Deposit Amount
Advice #000000016612916	Checking	XXXXX3094	$401.83
TOTAL:			**$401.83**

MESSAGE:

EXHIBIT B
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General Parts Distribution LLC 2635 Millbrook Road Raleigh, NC 27604	Pay Group: RGP-Retail GP Distribution Pay Begin Date: 04/16/2017 Pay End Date: 04/29/2017	Business Unit: 76000 Advice **#: 000000016675263** Advice Date: 05/05/2017

Michele L Arndorfer 4939 Se Malden Dr. Portland, OR 97206	Employee ID: 000602831 Department: 104184N-CQ North East Sandy Boulevard Location: CQ NE Sandy Blvd Job Title: Driver Pay Rate: $10.750000 Hourly	

TAX DATA:	**Federal**	**OR State**
Marital Status:	Single	Single
Allowances:	0	0
Addl. Pct:		
Addl. Amt:		

HOURS AND EARNINGS

Description	Rate	Current Hours	Current Earnings	YTD Hours	YTD Earnings
Regular Pay	10.750000	72.55	779.92	629.30	6,764.99
Back Holiday Pay			0.00	8.00	86.00
Overtime Pay			0.00	7.15	115.29
Holiday Pay			0.00	8.00	86.00
Paid Time Off			0.00	8.00	86.00
TOTAL:		**72.55**	**779.92**	**660.45**	**7,138.28**

TAXES

Description	Current	YTD
Fed Withholdng	66.38	694.42
Fed MED/EE	9.40	93.94
Fed OASDI/EE	40.18	401.67
OR Withholdng	43.33	439.41
OR Loc ER/EE	1.20	10.64
TOTAL:	**160.49**	**1,640.08**

BEFORE-TAX DEDUCTIONS

Description	Current	YTD
Dental Ins	9.43	47.15
Health Ins.	108.13	540.65
Med FSA	11.81	59.05
Vision Ins	2.58	12.90
TOTAL:	**131.95**	**659.75**

AFTER-TAX DEDUCTIONS

Description	Current	YTD
Group Accident Plan	5.38	26.90
Group Critical Illness Plan	6.70	33.50
Hyatt Legal Plan	7.27	36.35
STD	1.01	5.05
GarnishWrit (Amount)	0.00	247.24
GarnishWrit (Co. Fee)	0.00	8.00
TOTAL:	**20.36**	**357.04**

EMPLOYER PAID BENEFITS

Description	Current	YTD
Co Paid Basic Life	1.85	16.65
Health Ins	89.33	446.65
LTD	4.49	22.45
STD	1.01	5.05
***TAXABLE**		

	TOTAL GROSS	FED TAXABLE GROSS	TOTAL TAXES	TOTAL DEDUCTIONS	NET PAY
Current	779.92	647.97	160.49	152.31	467.12
YTD	7,138.28	6,478.53	1,640.08	1,016.79	4,481.41

YEAR-TO-DATE	PAID TIME OFF	SICK LEAVE
Start Balance	0.0	0.0
+ Earned	15.7	6.9
+ Bought	0.0	0.0
- Taken	0.0	0.0
- Sold	0.0	0.0
+ Adjustments	0.0	0.0
End Balance	**15.7**	**6.9**

NET PAY DISTRIBUTION

	Account Type	Account Number	Deposit Amount
Advice #000000016675263	Checking	XXXXX3094	$467.12
TOTAL:			**$467.12**

MESSAGE:

EXHIBIT B